

IN THE UNITED STATES PATENT & TRADEMARK OFFICE



Applicant: Jin Po Lee
Serial No: 10/019,570
Filed: 11/8/2001
For: Multiple Analyte Assay Device
Group Art Unit: 1743 Examiner: L. A. Alexander

Mail Stop RCE
Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Request for Continued Examination

Sir:

In response to the decision of the Board of Patent Appeals and Interferences dated September 29 2006 in the subject application, applicant requests continued examination and allowance of the amended claims attached hereto.

Claims 10 to 19 have been cancelled and new claims 20 to 28 are submitted.

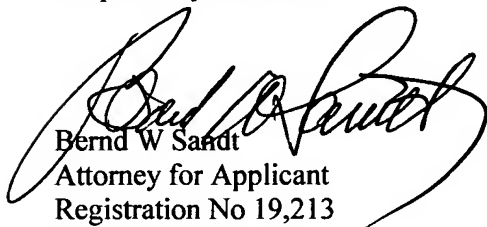
Applicant has included a terminal disclaimer to overcome the double patenting rejection over US Patent 6,514, 769 affirmed by the Board. As indicated by the Board (page 5) the double patenting rejection can be overcome by filing a new terminal disclaimer.

Applicant has further included an IDS reciting the relevant art, all of which is believed to be of record in the file of this application and has been considered by the examiner in the earlier prosecution of this application .

The Board states on page 10 that applicant has failed to claim the features applicant has argued which distinguish the assay devices claimed by applicant over the devices shown by the Klimov US Patent 5,770,458. Applicant has amended the claims to clarify the elements of the claims that distinguish the claimed devices from those disclosed by Klimov. The cover as now worded in the amended claims only extends to the open end of the base such that the test strips extend beyond the base and the cover, which allows the cap to be used as a dipstick assay device. Klimov does not disclose such feature. The cap has now been defined as a removable cap that covers the extended portion of the test strips. No such removable cap is disclosed by Klimov. The cap furthermore has been limited to one that contains a sample port in the cap, which allows the cap to be used as a cassette.

The claims are now believed to be allowable and an allowance is solicited.

Respectfully submitted,



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Certificate under 37 CFR 1.8

I hereby certify that a copy of the foregoing Response has been forwarded to The Mails Stop RCE at P.O. Box 1450 Alexandria VA 22313-1450 by express mail, certificate # EQ 665134265 US, on the date set forth below.

Date: 10/26/06

Signature 